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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Adam McDorman,

Plaintiff,

v.

Valley Christian Schools,
Defendant.

Case No.: 2:22-cv-02180-SRB

**DEFENDANT’S SEPARATE
STATEMENT OF MATERIAL FACTS
SUPPORTING ITS MOTION FOR
SUMMARY JUDGMENT**

Defendant Valley Christian Schools (“Defendant” or “VCS”), by and through counsel and pursuant to Rule 56.1 of the Local Rules of Civil Procedure, hereby submits the following separate statement setting forth each material fact on which Defendant relies in support of its Motion for Summary Judgment, which is submitted concurrently.

STATEMENT OF UNDISPUTED MATERIAL FACTS

Defendant states that, for the purposes of this motion, the following statements of fact are not disputed:

1. VCS (originally Valley Christian High School, Inc.) was incorporated as a 501(c)(3) not-for-profit corporation in order to “operate a Christian high school.” As part of their incorporation, VCS adopted the following statement of faith:

- We believe the Bible to be the inspired and only infallible authoritative Word of God.

- We believe that there is one God, eternally existent in three persons: Father, Son and Holy Spirit.
- We believe in the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father, and in His personal return in power and glory.
- We believe that for salvation of lost and sinful man, regeneration by the Holy Spirit is absolutely essential.
- We believe in the present ministry of the Holy Spirit, by whose indwelling the Christian is enabled to live a godly life.
- We believe in the resurrection of both the saved and the lost; they that are saved unto the resurrection of life, and they that are lost unto the resurrection of damnation.
- We believe in the spiritual unity of believers in our Lord Jesus Christ.

Exhibit 2: Articles of Incorporation.

2. VCS currently operates a secondary school serving grades 9-12 in Chandler and a primary school serving grades K-8 in Tempe. Exhibit 1: Declaration of Dan Kuiper, ¶ 4.

3. On its website, VCS holds itself out as “a nationally-ranked Christian school offering education from kindergarten through high school, located across two campuses in the greater Phoenix metropolitan area.” Exhibit 3: VCS Website, at 8.

4. On its website, VCS declares its mission as “equip[ping] students to be culture changers for Christ by delivering academic excellence, facilitating spiritual growth, and building lifelong community,” and outlines its philosophy as follows:

Consistent with our name, we strive to teach students how to view their world and their lives through the Bible and to make decisions and responses based on this guidance.

It is the purpose of the school to provide an excellent academic program permeated with Christian love and faith. Each person affiliated with the school is capable and well trained for their particular task and has a deep concern for the spiritual development of the students.

Valley Christian Schools attempts to establish and maintain an atmosphere that encourages growth in personal faith in Christ and the building of Christian character. VCS is unique because it presents and develops a distinctively biblical worldview in its curriculum and discipline systems. The school prepares students not only for college academics but for “works of service so that the body of Christ may be built up.” (Ephesians 4:12) The Bible presents the explicit view that God created the universe, its laws, and human beings. Sin, redemption and reconciliation are concepts that the Bible presents to describe God’s view of the human condition. Christ, the Son of God, is the answer to the human condition of sinfulness. VCS is governed by this biblical message and recognizes the Creator and Redeemer God. The Bible declares, “The knowledge of God is the beginning of wisdom.” (Proverbs 15:3) VCS seeks to integrate the knowledge of God’s creation with training in righteous living in order to develop true wisdom and character in students.

As God’s children, life only makes sense when we recognize that Jesus is Lord of everything. Romans 11:36 is very clear on this. It states, “For from Him and through Him and to Him are all things. To Him be the glory forever.”

At Valley Christian, our prayer is that our students will identify and develop their God-given talents to live a life of service for the Lord.

Ex. 3 at 2 & 6.

5. Plaintiff Adam McDorman was employed as a teacher at VCS from July 2014 to November 2021. *See* First Amended Complaint, at 4, ¶ 7 (Doc. 22, filed May 10, 2023).

6. VCS requires those who teach at VCS to meet the following spiritual qualifications:

- Must be a “born-again” Christian who knows the Lord Jesus Christ as Savior (John 3:3, 1 Peter 1:23).
- Must be a spiritually mature and growing Christian who is active in his/her Christian life, with an understanding and commitment to the philosophy of Christian Education, compatible with that of Valley Christian Schools.
- Accepts, without reservation, Valley Christian Schools’ Statement of Faith.
- Gives testimony that teaching is a spiritual calling, and that teaching at Valley Christian Schools is God’s direction for his/her life for this school year.

- 1 • Affirms that the Bible is God's Word and the standard for faith and daily living.
- 2 • Strives by daily example, to be a Christian role model (1 Timothy 4:12),
- 3 both in and out of school, to pupils (Luke 6:40), parents, and fellow
- 4 employees. Instruction is not only through rational explanation of formal
- 5 subject material, but also through word, deed, example, shared experience
- 6 and providing lessons which point students to Jesus Christ.
- 7 • Strives to be a role model in judgment, dignity, respect, and Christian living.
- 8 This includes the development of the Fruits of the Spirit in one's life
- 9 (Galatians 5:22-23), (I Cor. 8:9, Eph. 5:18, Col. 3:17, Titus 2:7-8 TLB, I
- 10 Thess. 5:22-23, and James 3:17-18).
- 11 • Agrees to be a Christian role model by attending a majority of services per
- 12 month at a local Evangelical church whose fundamental beliefs are in
- 13 agreement with the Valley Christian School's Statement of Faith and
- 14 regularly participate in one ministry of the church (Hebrews 10:25).
- 15 • Agrees to live by biblical standards for sexual behavior. Any form of sexual
- 16 immorality (including adultery, fornication, homosexuality, lesbianism,
- 17 premarital sex, extramarital sex, sexual harassment, bisexual conduct,
- 18 bestiality, incest, use of or viewing pornography, and attempting to change
- 19 one's biological sex or otherwise acting upon any disagreement with one's
- 20 biological sex, or sexual abuse of children), is forbidden and violates the
- employment requirement of being a Christian role model (Romans 12:1-2; I
- Corinthians 6:9-20; Ephesians 5:1-11; I Thessalonians 4:3-8; I John 3:1-3).
- Agrees that the unique roles of the male and female are clearly defined in
- Scripture, and that Romans 1:24-32 condemns the homosexual lifestyle and
- same sex marriage (Romans 12:1-2; 1 Cor. 6:9-20; Ephesians 4:1-11, 5:3-5;
- 1 Thessalonians 4:3-8; 1 Timothy 4:12; 2 Timothy 2:19-22; 1 Peter 1:15-16,
- 2:15-17; 1 John 3:1-3).

21 Exhibit 4: Employee Handbook, at 3-4 (12-13).¹

22 7. VCS requires those who teach at VCS to sign a statement agreeing to the

23 objectives of the school, including:

24

25 ¹ The pages listed outside of parentheses are the page numbers of the exhibit as paginated

26 by the ECF system. The pages listed in parentheses are the page numbers of the original document.

- To disciple high school students who have accepted Christ and to nurture their Christian character.
- To equip and encourage elementary and junior high students to seek a relationship with Christ as their personal Savior and helping them honor Christ in all they do.
- To study Scripture as the infallible, inerrant Word of God.
- To study all subjects in the light of God's Word.
- To make students aware of their sinfulness and their need for a Savior.
- To encourage students to develop Christian charity by involvement in or with School activities.
- To equip students to be active witnesses for Christ.
- To emphasize high standards of morality.
- To train and discipline students with Christ's redemptive love.

Ex. 4 at 2 (7).

8. Plaintiff was required to sign and abide by a Statement of Faith as condition of employment whereby Plaintiff could not teach inconsistently with the Statement of Faith. Exhibit 5: Deposition of Adam McDorman, at 8 (63:24-64:4).

9. In order to teach at Valley Christian Schools, Plaintiff was required to obtain and maintain certification through the Association of Christian Schools International ("ACSI"). Ex. 4 at 5 (20). Plaintiff obtained and maintained certification through ACSI while employed as a teacher with Valley Christian Schools. The requirements to maintain certification through ACSI included continuing education courses that were religious in nature. Ex. 5 at 2-3 (8:18-9:12; 14:14-15:9).

10. As part of his teaching responsibilities, Plaintiff was required to meaningfully connect learning in the classroom to biblical principles. Ex. 5 at 4 (26:8-22); Ex. 4 at 8 (75); Ex. 1, ¶ 10. VCS held inservice trainings on integrating the Bible into lessons that Plaintiff was required to attend. Ex. 5 at 6 (36:14-19); Ex. 1, ¶ 10. Plaintiff actually integrated biblical lessons into his lesson plans and viewed those integrations as "inextricably linked" to his lesson plans. Ex. 5 at 4 (26:23-27:23).

1 11. As part of his teaching responsibilities, Plaintiff was required to lead daily
2 spiritual devotions three to four days per week. VCS relied upon Plaintiff and other
3 teachers to choose appropriate devotional materials. Ex. 5 at 4-5 (29:5-30:7); Ex. 1, ¶ 9.

4 12. As part of his teaching responsibilities, Plaintiff was required to attend
5 weekly chapel services with the students. Plaintiff actually discussed the topics of the
6 chapel sermons with his students afterwards. Ex. 5 at 5 (31:3-33:12); Ex. 1, ¶ 11.

7 13. During part of his time at VCS, Plaintiff was required as part of his teaching
8 responsibilities to participate in (and actually participated in) a program whereby he would
9 lead a student discussion group to discuss biblical matters and act as a mentor to the
10 students within that group. Ex. 5 at 5-6 (33:19-35:9); Ex. 1, ¶ 12.

11 14. As part of his teaching responsibilities, Plaintiff was required to attend
12 faculty devotions, which Plaintiff described as “the sort of thing you might hear at a
13 Sunday church service.” Ex. 5 at 6-7 (36:20-38:6). These faculty devotions were both for
14 devotional and worship purposes as well as for continuing biblical education, which may
15 be used toward maintaining teacher certifications with ACSI. Ex. 1, ¶ 14.

16 15. As part of his teaching responsibilities, Plaintiff was expected to pray with
17 his students, and actually did pray with his students. Ex. 5 at 5 (30:13-31:2); Ex. 1, ¶ 13.

18 16. The employee handbook given to Plaintiff and other VCS employees
19 provides as follows:

20 All employees of Valley Christian Schools have the status of “employee-at-
21 will,” meaning that no one has a contractual right, express or implied, to
22 remain in Valley Christian Schools’ employ. Valley Christian Schools may
23 terminate an employee's employment, or an employee may terminate their
24 employment, without cause, and with or without notice, at any time for any
25 reason. No supervisor or other representative of the School (except the Head
26 of School) has the authority to enter into any agreement for employment for
any specified period of time, or to make any agreement contrary to the above.

Ex. 4 at 6 (56).

DATED this this 12th day of April, 2024.

RIGHI FITCH LAW GROUP, P.L.L.C.

By: /s/ Elizabeth S. Fitch
Elizabeth S. Fitch
Attorney for Defendant Heritage
Buick GMC Truck Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April, 2024, I electronically transmitted the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing and served on counsel of record via the Court's CM/ECF system.

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By: /s/ Lorraine Ramirez

EXHIBIT LIST

- Exhibit 1: Declaration of Dan Kuiper
- Exhibit 2: Articles of Incorporation, Valley Christian Schools (as amended Oct. 17, 2017)
- Exhibit 3: Valley Christian Schools Webpage, Mission & Beliefs (as accessed Feb. 12, 2024)
- Exhibit 4: Valley Christian Schools Employee Handbook, 2021-22 (selected portions)
- Exhibit 5: Transcript, Deposition of Adam McDorman (Mar. 1, 2024) (selected portions)